

## REMARKS

### I. Status of Claims:

Upon entry of the instant amendment, claims 1-4, 6, 8, 11-15, 17, 18, 23-28, 32, 33, 38, and 44-48 will be pending and under examination in this application, claims 9, 10, 19-22, 29, 34-37 and 39-41 having been withdrawn as being drawn to a non-elected invention, claims 5, 7, 16, 42 and 43 having been canceled herein and claims 44-48 newly added. Support for the new claims can be found, for *e.g.*, at page 1, lines 8-13, and page 51, lines 6-14. Claims 44-48 are method claims that depend from claim 38. Applicants respectfully request that claims 44-48 be examined together with the product claims. If the Examiner decides to restrict out the new method claims as drawn to a separate invention, Applicants ask that these claims be rejoined once claim 38 is deemed allowable.

Claims 1, 2, 4, 6-8, 11-15, 17, 18, 23-28, 32-33, and 38 have been amended herein. Support for the claim amendments can be found in the original claims and throughout the application as filed. No new matter has been added.

### II. Priority:

The Examiner has requested certified English translations of Japanese priority applications JP 2003-415746, JP 2004-071763, and JP 2004-248323. Applicants will provide these documents as soon as translations of these documents have been completed.

### III. Information Disclosure Statement:

Applicants draw the Examiner's attention to the fact that references A28-A37 in the PTO Form-1449 submitted May 23, 2007 were not initialed. The Office Action does not explain why these references were not initialed. Applicants respectfully request that a copy of the PTO Form-1449 submitted May 23, 2007, be returned with references A28-A37 initialed.

IV. Abstract:

The Office Action objected to the abstract of this application because it was written in two paragraphs (*see*, Office Action, pages 4-5). The abstract has been amended above to be in the form of a single paragraph. A clean copy of the abstract is also provided as **Attachment A**.

V. Objections to the Claims:

(a) Claim 1 is objected to for reciting the abbreviation "TPO" the first time it is recited in the claim (*see*, Office Action, page 5). Claim 1 has been amended to recite, in relevant part, "thrombopoietin (TPO) receptor" as suggested by the Examiner. Accordingly, this objection is believed to have been overcome.

(b) Claim 42 is objected to for the recitation "light chain variable region SEQ ID NO:...", omitting a transitional phrase (*see*, Office Action, page 5). Claim 42 has been canceled, making this objection moot.

VI. Rejections Under 35 U.S.C. § 112, Second Paragraph:

Claims 1-4, 16-18, 23-28, 32, 33, 38, 42, and 43 are rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite (*see*, Office Action, page 5).

(a) The Office Action rejects claim 1 for the recitation "binding activity against," stating that it is unclear if the antibody is to bind to the TPO receptor, or act as an antagonist of the TPO receptor, or do something else entirely.

Claim 1 has been amended to recite, in relevant part, "that binds to the thrombopoietin (TPO) receptor." Applicants respectfully submit that this amendment overcomes the rejection.

(b) The Office Action also rejected claim 32 for reciting "human Mpl" without specifically identifying the sequence of human Mpl (*see*, Office Action, page 6).

Claim 32 has been amended to recite the specific sequence of human Mpl. Support for this amendment can be found, for example, at page 36, line 27, and page 80 of the application as filed. Accordingly, Applicants believe that this rejection has been overcome.

VII. Rejections Under 35 U.S.C. § 112, First Paragraph, Enablement:

Claims 42 and 43 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement (*see*, Office Action, pages 6-9).

Claims 42 and 43 have been canceled, rendering this rejection moot.

VIII. Rejections Under 35 U.S.C. § 112, First Paragraph, Written Description:

Claims 1-3, 11-15, 32, 33, 38, 42, and 43 are rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement (*see*, Office Action, pages 9-11).

Based on a review of the substance of the rejection, it appears that this rejection is meant to apply to claims 42 and 43 alone (as for the enablement rejection) and not to claims 1-3, 11-15, 32, 33, and 38. Specifically, the rejection is directed to the subject matter recited in claims 42 and 43 and not in any of the other claims (*see*, page 9, second full paragraph of the Office Action). As claims 42 and 43 are canceled, the rejection is moot as to them. If the Examiner intended the rejection to apply to other claims, Applicants request clarification of how it applies to them (as presently amended) so that Applicants can address the Examiner's concerns.

IX. Rejections Under 35 U.S.C. § 102:

(a) Claims 1, 5-8, 11-15, 32, 33, 38, 42, and 43 are rejected under 35 U.S.C. § 102(b) as purportedly being anticipated by Adams *et al.* (US 6,342,220) (*see*, Office Action, pages 11-13).

As a preliminary matter, Applicants note that claims 5, 7, 42, and 43 have been canceled, and thus this rejection is moot as to those claims.

The Action states that claims 16-18 and 23-28 are free of the prior art (*see*, Office Action, page 17). Applicants have amended independent claim 1 to include the limitations of claim 16. Claims 6, 8, 11-15, 32, 33, and 38 (as amended) all either directly or indirectly depend on claim 1. Since claim 16 had been acknowledged to be free of the prior art, it is submitted that claims 1, 6, 8, 11-15, 32, 33, and 38 (as amended) are also free of the prior art as they include the

limitations of claim 16. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

(b) Claims 1-3, 5-8, 11-15, 32, 33, 38, 42, and 43 are rejected under 35 U.S.C. § 102(a) and 35 U.S.C. § 102(e) as purportedly being anticipated by Tsuchiya *et al.* (US 2004/0091475) (*see*, Office Action, pages 13-15).

As a preliminary matter, Applicants note that claims 5, 7, 42 and 43 have been canceled, and thus this rejection is moot as to those claims.

The Action states that claims 16-18 and 23-28 are free of the prior art (*see*, Office Action, page 17). Applicants have amended independent claim 1 to include the limitations of claim 16. Claims 2, 3, 6, 8, 11-15, 32, 33, and 38 (as amended) all either directly or indirectly depend on claim 1. Since claim 16 had been acknowledged to be free of the prior art, it is submitted that amended claims 1-3, 6, 8, 11-15, 32, 33, and 38 are also free of the prior art, as they include the limitations of claim 16. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

X. Rejections Under 35 U.S.C. § 103(a):

(a) Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Adams *et al.* in view of Hudson *et al.* (*J. Immunol. Methods*, **231**:177-189 (1999)) (*see*, Office Action, pages 16-17).

Claims 2 and 3 depend from claim 1. Claim 1 has been amended to incorporate the limitations of claim 16, a claim the Office Action indicates is free of the prior art. In view of the amendment to claim 1, Applicants respectfully submit that this rejection has been overcome.

(b) Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Tsuchiya *et al.* (*see*, Office Action, page 17).

Claim 4 indirectly depends on claim 1, which has been amended to incorporate the limitations of claim 16, a claim the Office Action indicates is free of the prior art. In view of the amendment to claim 1, Applicants respectfully submit that this rejection has been overcome.

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### CONCLUSION

Applicants respectfully submit that the pending claims under examination are in condition for allowance and request acknowledgment of same.

Applicants petition for a one-month extension of time to respond to the outstanding Office Action. Please charge the requisite fee to Deposit Account No. 06-1050, referencing Attorney Docket No. 14875-0153US1. No additional fees are believed to be due in connection with this filing. If any other fees are due, please charge Deposit Account No. 06-1050, referencing Attorney Docket No. 14875-0153US1.

If the Examiner has any questions regarding this application, she is invited to call the undersigned at the telephone number given below.

Respectfully submitted,

Date: August 14, 2009\_\_\_\_\_

/Janis K. Fraser/\_\_\_\_\_  
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